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Attorneys for Plaintiff

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

|                            |   |   |
|----------------------------|---|---|
| UNITED STATES OF AMERICA,  | ) | CR 07-218 JSW                             |
|                            | ) |   |
| Plaintiff,                 | ) | STIPULATION AND <del>PROPOSED</del> ORDER |
|                            | ) | EXCLUDING TIME                            |
| v.                         | ) |   |
|                            | ) |   |
| ERNESTO OSEGUERA-OCHOA aka | ) |   |
| JOSE ANDINO-OCHOA,         | ) |   |
|                            | ) |   |
| Defendant.                 | ) |   |
| _____                      | ) |   |

On August 23, 2007, the parties in this case appeared before the Court and stipulated that time should be excluded from the Speedy Trial Act calculations from August 23, 2007 through September 13, 2007 for effective preparation of counsel. The parties represented that granting the continuance was necessary for effective preparation of counsel because the parties need to continue discussions with the United States Probation Department to correct the pre-plea report,

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1 taking into account the exercise of due diligence. See 18 U.S.C. § 3161(h)(8)(B)(iv).

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3 SO STIPULATED:

4 SCOTT N. SCHOOLS  
5 United States Attorney

6 DATED: October 26, 2007

7 /s/  
8 DENISE MARIE BARTON  
9 Assistant United States Attorney

10 DATED: October 26, 2007

11 /s/  
12 RONALD C. TYLER  
13 Attorney for ERNESTO OSEGUERA-  
14 OCHOA

15 As the Court found on August 23, 2007, and for the reasons stated above, the Court finds  
16 good cause, taking into account the public interest in prompt disposition of criminal cases that  
17 time should be excluded from the Speedy Trial Act calculations from August 23, 2007 through  
18 September 13, 2007 for effective preparation of counsel. See 18 U.S.C. §3161 (h)(8)(A)(iv).  
19 The failure to grant the requested continuance would deny counsel reasonable time necessary for  
20 effective preparation, taking into account the exercise of due diligence, and would result in a  
21 miscarriage of justice. See 18 U.S.C. §3161(h)(8)(B)(iv).

22 SO ORDERED.

23 DATED: November 6, 2007

24 Jeffrey S. White  
25 Honorable Jeffrey S. White  
26 United States District Court Judge  
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